

Remarks/Arguments

Claims 1-8 are pending.

Amendment to the Specification

The amendment has been amended to correct obvious defects. No new matter is believed to be added by the present amendment.

Rejection of claims 1-8 under 35 USC 103(a) as being unpatentable over Mondardini (WO 96/00951) in view of Sakiyama (EP 0,880,311).

Applicants submit that for the reasons discussed below present claims 1-8 are patentably distinguishable over the teachings of Mondardini and Sakiyama.

Applicants disclose and claim a **loop antenna that encompasses the port opening** for the smartcard. Specifically, claim 1 recites "*... the port detector has a loop antenna encompassing the opening forming the port, the loop antenna being responsive to time varying currents passing along the conductors ...*(emphasis added)" Claim 6 recites a similar limitation in method form. Applicants submit that the teachings of Mondardini and Sakiyama do not teach or suggest the claimed invention.

Mondardini uses over and under electrodes 17, 17' that operate as electrostatic plates, and **requires** that the electrode plates be positioned adjacent and very near the reading contacts 14 in order to derive signals from **both the reading contacts 14 as well as to derive signals from any "unauthorized" wires** connected to the contact laminae 12 (see p. 4, lines 1-5, 13-16, p. 5, lines 8-16). This arrangement is required because Mondardini detects the signals from **contacts 14 and leads 111** to determine whether the chip card has been tampered with. ("... laminae are adapted to pick up the signal irradiated by the contacts 14..." (page 5, lines 7-26)). Thus Mondardini does not in any way disclose or suggest an "... antenna encompassing the opening forming the port..." as recited in the present claims, much less a "loop antenna" as further recited therein.

Rather, as discussed in applicants previous response, Mondardini teaches away from such positioning of the detection device as shown in both Figs. 1 and 2, and described in the specification, since the contact pins are positioned near the foremost end position of the car that is inserted into the slot (and hence, the electrodes 17, 17' are also necessarily near that end).

The additional teachings of Sakiyama in no way renders obvious the claimed invention. Sakiyama teaches the use of a coil 21 in an electromagnetic field shielding apparatus. According to Sakiyama, an electromotive force is applied to a resonance means coupled to coil 21 to suppress the strength of electromagnetic field emerging from the inside of an electrical device.

While Sakiyama mentions the use of a loop antenna, Sakiyama in no way teaches or suggests any applicability to conductor application such as hot wiring, passing through the loop. The loop antenna arrangement of Sakiyama is used for a different purpose. Indeed, the loop antenna of Sakiyama is not even specifically used for an opening (see Fig. 3). Furthermore, the opening might be a deliberate opening or simply a gap in the parts (see Fig. 7). Still further, even where Sakiyama happens to place the antenna at a location that in hindsight can be regarded as a port (see Fig. 20 which shows a floppy disk drive) there is no teaching regarding conductors traversing the port. The teachings of Sakiyama is in a context where there is no suggestion of conductors traversing the opening, gap or port. In short, applicants submit there is nothing in Sakiyama that teaches or suggests the combination proposed by the Examiner, and that any such combination is a result of impermissible hindsight reconstruction.

Furthermore, Applicants submit that even if one substitutes the loop antenna of Sakiyama with the electrodes of Mondardini, the resulting combination does not result in the invention recited in claims 1 and 6. This is because the arrangement taught by Mondardini still **requires** that loop antenna to be positioned adjacent and near the reading contacts 14 to derive the signals from reading contacts 14 as well as any unauthorized signals on leads 111. Such an arrangement is in direct contrast to one in

which "... *the port detector has a loop antenna encompassing the opening forming the port, the loop antenna being responsive to time varying currents passing along the conductors ... (emphasis added)*"

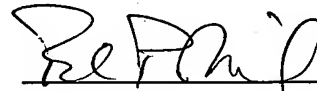
In summary, applicants submit that in view of the teachings of the references, one of ordinary skill in the art would not be motivated to combine the teachings of Mondardini and Sakiyama in the manner suggested, and that even if one were to combine their teachings, the combination does not result in the claimed invention. In view of the above, Applicants respectfully submit that present claims 1 and 6 are patentably distinguishable over Mondardini and Sakiyama.

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Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 5312, Princeton, NJ 08543-5312.

Date

Jan 10, 2005

Administrator

Elira Buchalnegh